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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 DAVID CHARLES MAIER,

10 Plaintiff,

11 Case No. C18-390-JLR

12 v.

13 JAIL HEALTH STAFF, *et al.*,

14 ORDER DISMISSING CIVIL RIGHTS
15 ACTION

16 Defendants.

17 The Court, having reviewed plaintiff's complaint, the Report and Recommendation of the
18 Honorable James P. Donohue, United States Magistrate Judge, ~~any objections thereto, and the~~
19 ~~and no objections having been filed to the Report and Recommendation,~~
20 remaining record, hereby finds and ORDERS as follows:

21 (1) The Report and Recommendation is approved and adopted.

22 (2) Defendants' motion to dismiss this action under Fed. R. Civ. P. 12(b)(6) (Dkt. 13)

23 is GRANTED based on plaintiff's failure to comply with the exhaustion requirement of 42
U.S.C. § 1997e(a).

24 (3) Plaintiff's complaint (Dkt. 7) is DISMISSED without prejudice. Plaintiff is
25 granted leave to file an amended complaint curing the deficiency identified in the Report and
26 Recommendation not later than thirty (30) days from the date on which this Order is signed. If

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1 no amended complaint is filed within this thirty day period, the Clerk is directed to terminate this
2 action without further Order of the Court.

3 (4) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
4 defendants, and to the Honorable James P. Donohue.

5 DATED this 20th day of November, 2018.

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JAMES E. ROBART
United States District Judge

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